

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

June 5, 2008

A meeting of the Board of Environmental Protection was held on Thursday, June 5, 2008 at the Holiday Inn / Ground Round, Augusta, Maine. Ernest Hilton, Chair, called the meeting to order at 09:00 a.m. with the following individuals present:

Board: Elizabeth Ehrenfeld, Richard Gould, Don Guimond, Ernest Hilton, P. Andrews Nixon, Matt Scott, Lissa Widoff and Nancy Ziegler

Absent: M. Wing Goodale and Sue Lessard

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| <u>Staff:</u> | Bureau of Land and Water Quality | Denis Merrill |
| | Bureau of Air Quality | Mike Karagiannes |
| | Bureau of Air Quality | Andrea Lani |
| | Bureau of Air Quality | Eric Kennedy |
| | Bureau of Air Quality | Kurt Tidd |
| | Bureau of Air Quality | Tammy Gould |

Others: David P. Littell, Commissioner
Jerry Reid, Assistant Attorney General
James Brooks, Director, Bureau of Air Quality
Cindy Bertocci, BEP Executive Analyst
Terry Hanson, Administrative Assistant

*(Meeting adjourned at approximately 12:30 p.m.)
(Site visit concluded at approximately 04:00 p.m.)*

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BOARD CONVENED AT 9:00A.M. AND CONDUCTED A PUBLIC HEARING IN THE MATTER OF:

- CHAPTER 156, CO₂ BUDGET TRADING PROGRAM / amendments
- CHAPTER 158, CO₂ BUDGET TRADING PROGRAM AUCTION PROVISIONS / new

I. DEPARTMENTAL

A. COMMISSIONER'S COMMENTS: Commissioner Littell reported the following:

Press Conference: Commissioner Littell explained that he would not be attending the Board's site visit to the Lockwood Hydro Dam because he is participating in the Governor's press conference concerning a program to assist Maine truckers currently struggling with the high cost of fuel. The Administration is actively seeking to implement large and small policies to help reduce Mainer's energy costs. The press conference is being held behind the State House.

Director of Innovation and Technical Assistance: Beth Nagusky, formerly from Grow Smart, has joined the DEP as the new director of Innovation and Technical Assistance. Ms. Nagusky will be the Department's point of contact concerning implementation of the state's greenhouse gas initiatives with other state agencies.

Consolidation of Natural Resource Agencies: The task force working on potential consolidation of the natural resource agencies will begin meeting.

Electronic Industry Petition: Pete LaFond from the Office of the Attorney General's Office and Stacy Ladner from the DEP are working on a response to the petition for submission to the US Department of Transportation.

Public Hearing: The Department received a request to hold a public hearing concerning a project to develop a swimming area.

Danforth – East Grand Lake at Greenland Cove Boat Landing:

This request did not identify any environmental concerns or conflicting technical information to support a public hearing resulting in a denial by the Department. The application was submitted on May 19, 2008 and accepted for processing on May 21, 2008. The Department will review the application for compliance with the Natural Resources Protection Act for environmental impacts associated with the movement of rocks and the creation of a sandy area 20 feet from Grand Lake.

Ray Building / Cost Savings: In response to the high cost of fuel, DEP in partnership with the Bureau of General Services (BGS) has implemented a pilot program whereby the front lawn of the Ray Building will be maintained as a field as opposed to weekly mowing as a lawn area.

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B. COMMENTS FROM THE BEP CHAIR: NONE

C. EXECUTIVE ANALYST COMMENTS: Wind power bird and bat studies: As a follow-up to the recent site visits to the Stetson and Mars Hill projects, the Mars Hill bird and bat studies are available for Board members who wish to review them. Please communicate whether your preference is for an electronic or paper copy of the study.

D. BOARD CALENDAR: Reviewed and noted that the June 19th regular meeting is cancelled

E. DEPARTMENTAL ORDERS/ APPLICATIONS ACCEPTED FOR PROCESSING: Reviewed

F. EXECUTIVE SESSION: None

II CONSENT AGENDA ITEMS

1. Minutes: May 1, 2008 (approval)

Board voted (7-0-1-2) on a motion to approve consent agenda item number 1 as presented.

Board members Elizabeth Ehrenfeld, Dick Gould, Ernest Hilton, P. Andrews Nixon, Lissa Widoff, Matt Scott and Nancy Ziegler voted to support the motion. Board member Don Guimond abstained. Board members M. Wing Goodale and Sue Lessard were absent.

2. Minutes: May 15, 2008 (approval)

Board voted (5-0-3-2) on a motion to approve consent agenda item number 2 as presented.

Board members Elizabeth Ehrenfeld, Ernest Hilton, P. Andrews Nixon, Matt Scott and Lissa Widoff voted to support the motion. Board members Dick Gould, Don Guimond and Nancy Ziegler abstained. Board members M. Wing Goodale and Sue Lessard were absent.

3. DOMTAR MAINE CORPORATION, Baileyville – Administrative Consent Agreement (BAQ / BLWQ-Water)

Board voted (8-0-0-2) on a motion to approve consent agenda item 3 as presented:

Board members Elizabeth Ehrenfeld, Dick Gould, Don Guimond, Ernest Hilton, P. Andrews Nixon, Matt Scott, Lissa Widoff and Nancy Ziegler voted to support the motion. Board members M. Wing Goodale and Sue Lessard were absent.

4. RICHARD POTVIN, Auburn – Administrative Consent Agreement (BRWM

Board voted (8-0-0-2) on a motion to approve consent agenda item 4 as presented:

Board members Elizabeth Ehrenfeld, Dick Gould, Don Guimond, Ernest Hilton, P. Andrews Nixon, Matt Scott, Lissa Widoff and Nancy Ziegler voted to support the motion. Board members M. Wing Goodale and Sue Lessard were absent.

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III. Regular Agenda

1. CHAPTER 137, EMISSION STATEMENT / AMENDMENTS (Post to Public Hearing)
Staff: Tammy Gould, Bureau of Air Quality

The Board voted (8-0-0-2) on a motion to post to public hearing amendments to Chapter 137 Emission Statements including: (1) limit emissions reporting to licensed facilities with the exception of fugitive emissions above a specified threshold; (2) require reporting of 13 Hazardous Air Pollutant (HAPS) from fuel combustion equipment, (3) move the reporting deadlines from July 1st to May 1st, (4) modify Appendix A and delete certain HAPS from reporting (5) change to the way polycyclic organic matter and chromium emissions are reported, and (6) amend Appendix B concerning reporting of hydrofluorocarbons and perfluorocarbons. A July 17, 2008 hearing is anticipated. The Board voted pursuant to 38 M.R.S.A. Section 341-D(1-B), Section 585-A and Section 610-B.

Board members Elizabeth Ehrenfeld, Dick Gould, Don Guimond, Ernest Hilton, P. Andrews Nixon, Matt Scott, Lissa Widoff and Nancy Ziegler voted to support the motion. Board members M. Wing Goodale and Sue Lessard were absent.

2. RICHARD CAYER – Madawaska – L-023564-2B-A-N // Appeal of the Natural Resources Protection Act, Denial to construct a private boat ramp (Ratify Board Order)

Staff: Robin Clukey, Bureau of Land and Water Quality

The Board voted (5-0-3-2) on a motion to approve the revised Board Order with additional amendments proposed by Chairman Hilton to more fully reflect the Board's findings during its consideration of the appeal at the May 15, 2008 regular meeting. The Board Order affirms the Commissioner's denial of a Natural Resources Protection Act permit (L-023564-2B-A-N) for construction of a private boat ramp on Long Lake in Madawaska. The Board voted pursuant to 38 M.R.S.A. Sections 344, 341-D(4) and 06-096 CMR Chapter 2.

Board members Elizabeth Ehrenfeld, Ernest Hilton, P. Andrews Nixon, Matt Scott, and Lissa Widoff voted to support the motion. Board member Dick Gould, Don Guimond and Nancy Ziegler abstained. Board members M. Wing Goodale and Sue Lessard were absent.

**BOARD DEPARTED AT APPROXIMATELY 12:30 FOR CARPOOL TO SITE VISIT
// LOCKWOOD HYDRO POWER PROJECT, WATERVILLE //**

Next Regular Meeting –Thursday, July 3, 2008 – Holiday Inn / Ground Round

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